IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21020 of 2005

Between:

M/s. V.K.A. Constructions, A. Partnership,

represented by its Partner K.R. Anil Karan,
having their Office at 16-5-247,

Outside Dabirpura, Hyderabad.

..... PETITIONER

AND

1. Commander Works Engineers (Army), Mudfort,

Secunderabad.
2. Deputy Commander Works Engineers (Contracts)

for Commander Works Engineers (Army), Mudfort,
Secunderabad.

.....RESPONDENTS

The Court made the following:

ORDER:

For declaring the action of the respondents in rejecting the issuance of tender forms and thereby attempting to proceed with the tender process without following the due procedure, as illegal and arbitrary, the present writ petition

has been filed.

The main grievance of the petitioner is that pursuant to the notification issued by the respondents inviting tenders for certain works in repairing the roads, the petitioner submitted applications along with the cost of tender schedules in the form of demand drafts. But, the respondents have rejected the applications for issuance of tender forms for all the items, without assigning any reason. Aggrieved by the same, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for the respondents.

The learned counsel for the petitioner contended that without assigning any reason, the applications of the petitioner have been rejected by the accepting officer, and therefore, he prays to allow the writ petition.

On the other hand, the learned Assistant Solicitor General appearing for the respondents contended that the accepting officer has got every right to reject the applications for issuance of tender without assigning any reason. He also pointed out that as per the tender notification, an appeal shall lies to the Chief Engineer (Air Force), No.2, DC Area, MES Road, Yeshwanthpur Post, Bangalore, against the order of rejection, if the applicant so desires.

Therefore, without going into the merits of the case, and having regard to the facts and circumstances of the case and in view of the fact that an appeal lies to the Chief Engineer (Air Force), Yeshwantpur Post, Bangalore, I deem it appropriate to dispose of the writ petition directing the writ petitioner to avail the alternative remedy of appeal before the appellate authority-Chief Engineer (Air Force), Yeshwantpur Post, Bangalore, to challenge the order of rejection.

With the above observation, the writ petition is disposed of at the stage

of admission. No costs.

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(K.C. BHANU, J)

Date: 27.09.2005

Note: Issue wire at party's costs.

B.O.

Ksn